

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
December 13, 2004

The Greenville City Council and Task Force on the Preservation of Neighborhoods and Housing met in joint meeting on the above date at 6:00 at Sheppard Memorial Library with Mayor Parrott and Chairman Best presiding. The following were present.

City Council Members

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Wayne Bowers, City Manager

Task Force Members

Tom Best, Chairman
Vince Bellis
Richard Crisp
Bob Dietrich
Reggie Elliott
Brenda Ernst
Max Joyner, Jr.
Jarvis Mills
Lillian Outterbridge
George Saad, Jr.

Task Force Members Absent: Mary Lou Antieau, Mary Claire Biles, Brian Billups, D. D. Garrett, Annie Suggs, Donna Whitley

CALL TO ORDER

Mayor Parrott called the City Council to order and ascertained that a quorum was present.

Chairman Best called the Task Force to order and ascertained that a quorum was present.

APPROVAL OF AGENDA

Motion was made by Council Member Dunn and seconded by Council Member Little to approve the agenda as presented. Motion carried unanimously.

Motion was made by Mr. Crisp and seconded by Mrs. Ernst to approve the agenda as presented. Motion carried unanimously.

FINAL REPORT FROM TASK FORCE ON THE PRESERVATION OF NEIGHBORHOODS AND HOUSING

Mr. Carl Rees, staff liaison to the Task Force on the Preservation of Neighborhoods and Housing, summarized the ten neighborhood improvement strategies recommended by the Task Force that were included in the Task Force on Preservation of Neighborhoods and Housing Report to City Council (Document No. 04-12). The ten issues and the actions recommended to address them are as follows:

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1. Create a violation-based Rental Property Registration & Certification Program, whereby registration is required upon violation of zoning, housing, property maintenance, or public nuisance codes.

- Create a rental property certificate that will serve as a one-year privilege to rent a property. Such a certificate will be required when code violations have taken place at a given rental property. The certificate must be renewed if violations continue or if fines are not paid or resolved through adoption of “best practices”. Repeated violations may result in the revocation of a rental certificate.
- Require all registered rental property owners to certify that their units meet Zoning, Minimum Housing and other Code requirements.
- Require that all tenants in registered properties be provided with information regarding the City’s public nuisance code and related ordinances; create a conduit for the flow of information between the City, landlords, tenants, and neighbors.
- Track and monitor complaints and violations associated with all registered rental properties in single-family neighborhoods.

The Task Force has determined that the quality, condition, and number of rental properties in predominantly single-family neighborhoods have a direct impact on the desirability, livability, and value of the neighborhood. In general, renters are more transient than homeowners, and are therefore less likely to have a long-term stake in neighborhood livability. Similarly, landlords who do not reside in the neighborhood are not directly exposed to the impacts their properties may have on neighborhood livability.

The Task Force acknowledges that the availability of affordable, well-maintained rental housing is essential to the health and sustainability of the housing market. However, it must be recognized that poorly-maintained rental units, rental units that fail to meet minimum housing standards, and rental units that are repeatedly the subject of city ordinance violations adversely affect the rights of nearby neighbors, and therefore constitute a public nuisance. Similarly, poor maintenance and anti-social behavior within large multi-family rental complexes degrades the quality of life for neighboring tenants, and eventually results in the decline of the complex as a whole.

2. ***Create a Code Enforcement Tracking System and Rental Property Database*** to monitor violations and enforcement activity and to distribute information to neighbors. Automate the enforcement process by allowing citizens to file complaints electronically, and to track the progress of enforcement using web-based access. Encourage landlords to monitor activities involving their properties. Establish a violation-based rental property database, which would allow City staff, property owners, and neighbors to determine if a given property is registered through the Rental Property Registration and Certification Program.

Citizens are often discouraged from reporting violations due to the perception that nothing will be done to correct the problem, or that the City will be unwilling to follow through with enforcement. Citizens have expressed dissatisfaction over their current inability to readily access information regarding the status of their complaints. Similarly, landlords may not be aware of violations committed by their tenants.

3. ***Revise the City's Code Enforcement and Appeals Process*** to:

- Set fees / fines that capture the true cost of enforcement (i.e. the actual cost of fielding a complaint, inspecting a property, issuing a citation, litigating, and ensuring compliance).
- Require civil fines for noise violations to be paid within a set time period; failure to pay would result in the issuance of a criminal citation.
- Refer all appeals for Zoning, Minimum Housing, Nuisance, and other code violations to a single appellate authority (Eg: Board of Adjustments); enforcement and appeals should be objective, rather than subjective.
- Ensure that enforcement actions are directed to the source of the nuisance; hold tenants accountable for behavior; hold landlords accountable for the condition of their properties.

At present, the City's code enforcement posture relies on a complaint-based system that emphasizes compliance, rather than punishment. However, the Task Force believes that a more aggressive enforcement strategy – one that seeks to deter violations by making the consequences more predictable and severe – is needed.

Citizens are often discouraged from reporting violations due to the perception that nothing will be done to correct the problem, or that the City will be unwilling to follow through with enforcement. Violations should be resolved in a timely manner. Enforcement must be consistent. Enforcement actions should be directed to the source of the nuisance or offense; tenants should be held accountable for their behavior, while landlords should be held accountable for the condition of their units.

4. *Revise City Ordinances Related to Parking on Unimproved Surfaces.*

Transfer responsibility for enforcement of single-family and duplex parking regulations from the Planning Department to the Neighborhood Services Unit within the Greenville Police Department. Establish routine patrols of neighborhoods. Issue “on-the-spot” citations by placing tickets on the windshields of offending vehicles. Adjust the fine schedule for violations to be consistent with other common parking violations.

Front-yard parking on unimproved surfaces is commonplace in neighborhoods throughout the city. Such parking practices are in violation of city ordinances and constitute a visual blight, which in turn adversely affects the rights of nearby neighbors.

Current enforcement strategies rely on complaints to trigger enforcement, and direct the citation to the owner of the property, rather than to the owner of the vehicle.

5. *Revise City Ordinances Related to Noise* to apply to all manner and type of disruptive noise, including non-amplified human voices. Empower law enforcement officials to issue “on-the-spot” tickets to individuals who are the source of the noise disturbance. Increase the penalty for noise ordinance violations. Continue police presence at key times in neighborhoods where noise complaints are most common. Investigate potential partnerships with East Carolina University Campus Police for enforcement in neighborhoods immediately adjacent to campus.

The Task Force believes that the quiet enjoyment of residential areas is a prime consideration in housing choice and a paramount objective in the preservation of neighborhoods. Unreasonably excessive noise from any source is a detriment to public health, safety, and welfare and constitutes a public nuisance. The City’s current noise ordinance applies only to amplified noise (vehicles, stereos, instruments) and relies on measurable decibel levels for enforcement. The Task Force has studied noise ordinance models from other communities, and has determined that a successful approach must include excessively loud human voices, and need not be based on the measurement of sound levels to be enforceable.

6. Identify neighborhoods that are predominantly single-family in character but are zoned in a manner that would permit intrusion of duplex or multi-family uses. The City should actively pursue *Rezoning of Predominantly Single-Family Neighborhoods* to prohibit further intrusion. The following zoning districts are restricted to single-family residential uses: R15-S; R9-S; R6-S; MR-S.

Due to historical circumstances, a number of purpose-built, single-family neighborhoods are zoned to allow a variety of housing densities (including duplex and multi-family dwellings) that are likely to encourage rental uses. Where such zoning exists, neighborhoods suffer from uncertainty and the potential for rental encroachment. The Task Force believes that this uncertainty discourages potential homebuyers from locating in otherwise healthy neighborhoods.

7. Create economic incentives to *Encourage Reinvestment in Established Single-Family*

Neighborhoods, to include the following:

- In cooperation with local lenders, develop a low-interest revolving loan program for owner-occupied purchase of homes in designated neighborhoods.
- In cooperation with East Carolina University, develop a “forgivable” loan program for City employees and ECU faculty and staff; to provide down-payment and closing cost assistance for owner-occupied purchase of homes in designated neighborhoods.
- Develop a low-interest loan or grant program to encourage residential façade improvements and structural/mechanical modernization.
- Encourage and facilitate local and National Register historic district designation for qualifying neighborhoods; create opportunities for tax credits for rehabilitation of older homes.

Invest in streetscape and infrastructure improvements in established neighborhoods, to include gateway/entrance signage and landscaping, enhanced street and sidewalk design, enhanced or thematic lighting, and greenway connections

The Task Force has determined, from an analysis of local housing and population trends, that older, established neighborhoods suffer a distinct competitive disadvantage in attracting homeowner investment. There are many factors that influence home-buying decisions, including location, schools, proximity to work, proximity to shopping, and attractiveness of the neighborhood, among others.

Underlying these factors is an inherent sense of value – both in terms of initial purchase cost, and in terms of long-term resale value. Most homebuyers view their homes as investments, and therefore seek out neighborhoods with qualities that will protect and enhance their investments.

Older, established neighborhoods have many positive qualities that should, in theory, translate into long-term value. The Task Force believes that the positive attributes of these neighborhoods have been overshadowed by negative perceptions and a failure to fully exploit their strategic geographical advantages.

8. Adopt strategies to ***Develop and Empower Neighborhood Associations***, to include the following:

- Create a database and sign-up system of City-owned meeting facilities for after-hours use by neighborhood associations.
- Provide technical and financial assistance to neighborhood associations for the development and printing of neighborhood newsletters.
- Develop and sponsor a “Neighborhood College” to train neighborhood leaders; provide information about city ordinances, neighborhood improvement strategies, and tips for organizing and maintaining an effective neighborhood association.

- Expand the Neighborhood Grant Program to increase grant funding; establish a matching-fund program whereby the City would match privately-raised funds for neighborhood improvements.
- Establish on-line (Internet) access to City board/commission agendas and City codes.

Neighborhoods are only as strong as the commitment of their neighbors. There is a wide disparity among neighborhoods and neighborhood associations related to the level of organizational capacity and the ability to gather, receive and communicate information. While the City encourages the formation of neighborhood associations, there are few established mechanisms available to support neighborhood groups.

- 9. *Develop and Adopt Neighborhood Plans*** to guide public policy and investment decisions in older, established areas of Greenville. The Horizons Comprehensive Plan calls for the development of small-area plans to provide more detailed, specific direction for land use, infrastructure, and public investment decisions. The City should embark on an aggressive program to develop and adopt Neighborhood Plans, and should link the Capital Improvements Program to the implementation of Neighborhood Plans.

The Task Force has determined, from an analysis of local housing and population trends, that older, established neighborhoods suffer a distinct competitive disadvantage in attracting homeowner investment. The Task Force believes that the positive attributes of these neighborhoods have been overshadowed by negative perceptions and a failure to fully exploit their strategic geographical advantages.

- 10. Adopt land use policies that *Recognize the Link Between Suburban Residential Development and the Health of Established Neighborhoods*.** Plan new neighborhoods in ways that ensure their continued value, desirability, livability, and economic vitality. Land use planning strategies to include:

- Develop a Density Bonus System (DBS) or Transfer of Development Rights (TDR) system to allow for additional density in new residential development in exchange for reducing density in established single-family neighborhoods (i.e. conversion of duplex units to single-family units; removal of multi-family complexes from within single-family neighborhoods).
- Develop residential zoning and subdivision standards to encourage innovative site design, clustering of homes, preservation of open space, and inter-connectivity of streets, trails and greenways.
- Plan for neighborhood parks and require dedication of land for parks, open space and recreational uses.

The Task Force has determined, from an analysis of local housing and population trends, that older, established neighborhoods suffer a distinct competitive disadvantage in attracting homeowner investment when compared to newer residential subdivisions. However, the Task Force is concerned that, as these newer subdivisions age, they will fall prey to the same forces that have resulted in the decline of older neighborhoods (i.e. disinvestment, out-migration, and rental encroachment.)

The Task Force believes that neighborhood decline is largely an economic phenomenon driven by perceptions of present and long-term value. Most homebuyers view their homes as investments, and therefore seek out neighborhoods with qualities that will protect and enhance their investments.

The Task Force believes that, in order to prevent the cycle of decline that comes with age, it is necessary to plan new neighborhoods in ways that endow them with long-term value.

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Discussion occurred regarding the need for neighborhood preservation to be a number one priority regardless of whether it needs to be from renters or buyers. Everyone has to have a common goal and to participate and contribute to the preservation. The Council discussed the thoroughness of the report and how it brought to light a lot of things for the Council to consider. The Council’s work is just beginning. There will need to be workshop sessions where this is the only item on the agenda. Some improvement in the neighborhoods could be done as a result of the current codes being enforced. Currently, enforcement is done more on a complaint basis due to the lack of staffing. A more aggressive code enforcement program would require more staff.

It was suggested that the Fire Department could be helpful in actual code enforcement since they inspect buildings. Also, there needs to be someone from the city riding around looking for violations.

The Task Force was then asked to share their feelings.

Mr. Bellis stated that there needs to be a follow-up when complaints come in. The people who complain need to know that their concerns have been addressed.

Mr. Best stated that the landlords need to know that they can become a part of the solution.

City Manager Bowers stated that the registration system is in effect in Gainesville. While it didn’t solve the problem, it was very helpful in enforcement because it got a lot of information. Staff was more proactive after the Task Force was created. Creation of the task force resulted in two new positions for code enforcement. A penalty was put in place for people who did not pay the fines. A requirement was also put in place requiring each landlord to have a contact person within the county that could be contacted and that would respond at any time. A brochure had to be given to each tenant. This program was initiated in 1996 and 1997. In 2002, a second task force was created. This task force recommended that the owner of rental property had to submit a parking plan showing where the parking would be. Software was purchased to track certain violations, and Code Enforcement personnel and the Police Department shared the responsibility for it. Under this plan, when a particular property got a certain number of points, the City Manager would send a letter letting the property owner know that he/she was in danger of losing the landlord license. Some progress was made under that program. During the last year in Gainesville, the market has helped to handle the situation. The community experienced a lot of multi-family development that had all of the amenities. Families were going more to single-

family homes. By the students leaving the single-family homes to go to the multi-family developments, the single-family areas became more for families.

Mayor Parrott indicated that he thinks the same thing will happen in Greenville.

Council Member Dunn stated that she received an e-mail from a landlord saying that the Council might want to consider slowing down the multi-family dwellings in Greenville by out-of-town people. She questioned how the City is going to evaluate what is going on to determine the effectiveness of whatever is implemented.

City Manager Bowers informed the group of a situation in New Haven, Connecticut. When the Yale students moved into the multi-family dwellings, the neighborhoods gradually deteriorated and eventually the single-family homes became home to the criminal element. A great deal of time and effort was put into trying to undo that situation. He stated that staff could take the comments from the elected officials to work with existing neighborhood associations to become partners.

Ms. Outterbridge expressed concern about the City only addressing the area around the University and not West Greenville or other areas. Regardless of what proposal is considered, the total picture needs to be considered.

Mayor Pro-Tem Miller thanked the Task Force for the time and effort that went into the document. Neighborhood revitalization has been the top priority of this Council for three years. Each year, it talked about it but hasn't done anything about it. The Council needs to make it clear to staff that the rules in effect now need to be enforced. There is a lot of work ahead of this Council to go through the report. He would like to see some results from the work the Task Force has done.

Council Member Glover stated that staff could be divided into four geographic sections so there would be one person per section. People need to be employed that are not afraid to attack the problem.

Council Member Glover suggested discussing the strategies at a workshop.

It was expressed by a Task Force member that with a registration system, the landlords would be more effective. It might cost more, but it would save on officers going back and forth to the dwellings.

Mr. Reggie Elliott stated that registration would be a benefit. For the past three years, landlords have rented to anybody, including drug dealers, etc. It is going to take everyone to solve the current problem.

Ms. Brenda Ernst stated that the apathy is over. People care. Her neighbors have had to be relentless in having the current codes enforced. It has to be citywide. She encouraged the Council to look at the recommendations.

Mr. Saad stated that the City needs to reinvest in the current neighborhoods and make them more single-family. New multi-family developments have taken a lot of students away from the campus area; the City doesn't need to forget that the students make this community. The City needs to reinvest in the neighborhoods.

Mr. Joyner stated that he would like to see the current codes enforced. He strongly endorsed strategies 2-10 and stated that he is not sure about number one at this point.

Mr. Best stated that the City has to take action at the local level, which can provide an opportunity to kill apathy. Neighborhood associations and citizens have to help, also.

Ms. Outterbridge stated that the total picture needs to be looked at. Many people don't know what it means to take care of a home, and they have to be educated. She is in favor of educating renters on how they are responsible. The proposal prepared by the Task Force is wonderful. Where does it go from here?

Mayor Parrott stated that this report gives the Council a great deal of information to work with. He thanked the Task Force for its time and effort.

Council Member Council thanked the Task Force for its work. It is going to take a major approach to involve everybody. The economic and environmental picture of Pitt County and the nation need to be improved.

Several Council Members expressed that a workshop meeting needs to be planned to discuss these issues.

Mayor Parrott suggested discussing it further at the planning workshop in January.

Dr. Bellis requested that the Task Force receive copies of the agendas. He asked that the Council keep the public informed.

City Manager Bowers suggested that staff be allowed to do more work on some of the issues, budgetary and staff wise. Staff may not be able to do that all at one time. He asked for the opportunity for staff to review the information closely, look at what can be done, and give the Council priorities on what can be done quickly, how much it will cost, etc.

Motion was made by Council Member Dunn and seconded by Council Member Glover for staff to review the information closely, look at what can be done, and give the Council priorities on what can be done quickly, how much it will cost, etc. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Glover to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Motion was made by Mr. Bellis and seconded by Mr. Elliott o adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk